

# RIGHT OF WAY PROCEDURES



AGENCY: **GRANT COUNTY**

AGENCY NO.: **13**

The **Grant County Board of County Commissioners** ("AGENCY"), desires to acquire Real Property in accordance with the state Uniform Relocation Assistance and Real Property Acquisition Act (Ch. 8.26 RCW) and state regulations (CH. 468-100 WAC) and Applicable federal regulations hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The **Grant County Public Works Department** ("DEPARTMENT") of the AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the Agency. To fulfill the above requirements the DEPARTMENT will acquire right-of-way in accordance with the policies set forth in the Washington State Department of Transportation *Right of Way Manual* (M26-01) and *Local Agency Guidelines* manual (M36-6). The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

- a. The AGENCY has qualified staff for the functions noted below and has listed the responsible position. Qualified persons shall be used for those activities listed which the AGENCY does not have adequate staff. Attached is a list of the individuals on the AGENCY staff who currently fill those positions and a brief summary of their qualifications. The staff list will be updated whenever personnel changes occur.

- (1) PROGRAM ADMINISTRATION

County Road Engineer

- (2) APPRAISAL

Contracted to Qualified Appraiser

- (3) APPRAISAL REVIEW

Contracted to WSDOT or Qualified Appraiser

- (4) ACQUISITION

Design/Construction Engineer

- (5) PROPERTY MANAGEMENT

County Road Engineer, Design/Construction Engineer

- b. The following functions for which the Agency does not have staff will be contracted for with the WSDOT, or an outside contractor, as shown. When the

AGENCY proposes to use outside contractors for any of the above functions the AGENCY shall work closely with the WSDOT Local Agency Coordinator and Highways and Local Programs to ensure all requirements are met. Any contract for acquisition services should be pre-approved by WSDOT prior to the start of negotiations by the AGENCY. When the AGENCY proposes to have a staff person negotiate who is not experienced in negotiations for FHWA funded projects the Coordinator must be given a reasonable opportunity to review all offers and supporting data before they are presented to the property owners.

(1) APPRAISAL

Consulting Fee Appraiser, Qualified WSDOT Staff

(2) RELOCATION

WSDOT, Private Consulting Companies

- c. An Agency wishing to take advantage of an Appraisal Waiver process on properties valued at \$25,000 or less should make their proposal waiver process a part of these procedures. The process outlined in LAG manual appendix 25.176 has already been approved. The agency may submit a process different than that shown and it will be reviewed and approved if it provides sufficient information to determine value.
- d. Attach a copy of the Agency's Administrative Settlement Policy showing the approving authority(s) and the process involved in making administrative settlements.
- e. Project documents shall be retained and available for inspection by the FHWA and the state during the plan development, right-of-way and construction stages and for a three year period following acceptance of the projects by WSDOT.
- f. Approval of the AGENCY'S procedures by WSDOT may be rescinded at any time the Agency is found to no longer have qualified staff or is found to be in non-compliance with applicable state and federal regulations. The rescission may be applied to all or part of the functions approved.

Approved By: \_\_\_\_\_  
Chair  
Board of County Commissioners

\_\_\_\_\_ Date

Approved By: \_\_\_\_\_  
Real Estate Services  
Washington State Dept. of Transportation

\_\_\_\_\_ Date

# AGENCY STAFF & FUNCTION SUMMARIES

(1) County Road Engineer

Dave Bren, PE, MSCE

Dave Bren is a licensed professional civil engineer in the State of Washington. Mr. Bren received his Master's degree and Bachelor's degree in Civil Engineering, from University of Washington, in 1995 / 1994 respectively. Mr. Bren has over 25 years of experience in private and public practice as a civil engineer. Mr. Bren has held the position of County Road Engineer at Grant County since April 25<sup>th</sup>, 2022.

(2) Design/Construction Engineer

Bob Bersanti

Bob Bersanti received his B.S. in Construction Engineering Technology from Montana State University in 1991. He has 32 years of experience with county government in acquisitions, negotiations, donations, administrative settlements, and property management. Mr. Bersanti has held the position of Design/Construction Engineer for Grant County for 27 years.

Consulting Fee Appraisers:

Private Consulting Companies

Consulting Fee Appraisers will be employed as required. A fee appraiser shall be an experienced, qualified appraiser with a college degree or four years of active experience in the real estate field leading to a base knowledge of real property valuation, or any combination of such experience and college study provide a total of four years beyond high school graduation. For appraisal problems requiring more than a comparative approach to value, the appraiser must be certified per RCW 18-140. A list of WSDOT approved appraisers, if available, may also be used by the AGENCY.

Relocation Assistance: WSDOT Staff, Private Consulting Companies

Qualified WSDOT staff shall provide such relocation services as required or shall provide advice on contracting with private consultants if WSDOT staff is not available.

# WAIVER OF APPRAISAL

When the AGENCY desires to acquire real property according to 23 CFR, part 635, Subpart C and State laws and desire to take advantage of the \$25,000 appraisal waiver process approved by the FHWA for Washington State, hereby agrees to follow the procedure approved for the WSDOT as follows:

- A. The AGENCY may elect to waive the requirements for an appraisal if the acquisition is simple and the compensation estimate indicated on the PFE (Project Funding Estimate) is \$25,000.00 or less including cost-to-cure items.
- B. The AGENCY shall make the property owner(s) aware that a formal appraisal has not been done on the property and that one will be completed if they desire.
- C. Special care shall be taken in the preparation of the waiver as no review By WSDOT is required. The AGENCY needs to assure that the compensation is fair and that all calculations are correct. An appraisal and a waiver of appraisal is not required when the property to be acquired is donated.
- D. An administrative offer is prepared using information from a project funding Estimate.
- E. The administrative offer shall be approved and signed by the Director of Public Works/County Road Engineer authorizing a first offer to the property owners.

Approved By: \_\_\_\_\_

County Road Engineer

7.24.2023

Date

Approved By: \_\_\_\_\_

Real Estate Services  
Washington State Dept. of Transportation

\_\_\_\_\_ Date

# ADMINISTRATIVE SETTLEMENT POLICY

**GRANT COUNTY**

**Revised 2023**

If after presenting an offer, the property owner does not agree with the Fair Market Value or Determination of Value established and contests the offer or makes a counter offer; the Right-of- Way Agent will present and discuss the issue with all pertinent Public Works staff, to include the County Engineer. All information provided by the property owner, Appraiser(s), Review Appraiser, and the Right-of-Way Agent, will be considered. The County Engineer can then approve an Administrative Settlement not to exceed \$25,000.00 over Fair Market Value or Determination of Value. If the Administrative Settlement will exceed \$25,000.00 then it must be taken before the Board of County Commissioners for review and approval. All approvals for further compensation are subject to review by WSDOT through the Region LA Coordinator.

Approved By: \_\_\_\_\_

Chair  
Board of County Commissioners

\_\_\_\_\_  
Date